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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,995	02/26/2004	Junichi Hara	MEI-102	2682
24956	7590	05/04/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			MYINT, DENNIS Y	
1800 DIAGONAL ROAD			ART UNIT	
SUITE 370			PAPER NUMBER	
ALEXANDRIA, VA 22314			2162	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,995	<b>Applicant(s)</b> HARA ET AL.	
	<b>Examiner</b> Dennis Myint	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-10, 12, 14, 16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 5-10, 12, 14, 16, and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/07/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 5-10, 12, 14, 16, and 18 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 5-9, 12, 14, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dettinger et al. (U.S. Patent Application Publication Number 2003/0093413).

As per claim 5, Dettinger et al. is directed to an access history management device (Dettinger et al., Figure 1A, "Access Manager" 109) for integrally managing an entire access history for one or more information resources (Dettinger et al., Figure 1A, "Storage" 118 and Paragraph 0023 i.e. "such as fixed drives"), said access history management device being connected with a network (Dettinger et al., Figure 1A, 114, 115<sub>1</sub>, 115<sub>2</sub>, 115<sub>N</sub>) that also connects a plurality of storage devices for storing said one or more information resources (Dettinger et al., Figure 1B, "Target Database" 128<sub>1</sub>, 128<sub>2</sub>, and 128<sub>N</sub>) and a plurality of information resource management devices for managing a

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storage location of said one or more information resources (Dettinger et al., Figure 1B, "Server" 126<sub>1</sub>, 126<sub>2</sub>, and 126<sub>N</sub>);

wherein each said information resource management device maintains an access history (Dettinger et al., Figure 1A, "Log" 111) for said one or more information resources stored in a pre-specified storage device (Dettinger et al., Figure 1A, "Database" 104), said access history management device comprising:

a collection unit for collecting (Dettinger et al., Figure 1A, "Access Manager" 109, and Paragraph 0025, i.e. "To this end, various information (referred to herein as "access manager metrics") is recorded by access manager 109 in a log 111".) said access history at a predetermined timing from said plurality of information resource management devices (Dettinger et al., Paragraph 0027, i.e. "the replication schedule may be automatically generated by the access manager 109 according to the rules 110 and the metrics contained in the log 111".), said access history including at least information for identifying a sender information resource management device that has sent an access request for said one or more information resources and identification information for identifying the one or more information resources, said identification information being assigned based on identity of content of said one or more information resources (Dettinger et al., Paragraph 0025, i.e. "the access manager metrics include when a database request was issued, when the request was processed, the frequency of requests from a particular client etc."); and

an instruction sending unit (Dettinger et al., Figure 1A "Server" 106 ) for sending a change instruction to at least one of said information resource management devices

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based on said access history, said change instruction being intended to change (Dettinger et al., Paragraph 0027, i.e. "the replication schedule 113 dictates when replication takes place".) storage devices to store said one or more information resources therein (Dettinger et al., Figure 1A "Server" 106 and Paragraph 0026 and 0027).

As per claim 6, Dettinger et al. is directed to the access history management device according to claim 5, wherein said predetermined timing includes timing at predetermined intervals set in advance (Dettinger et al., Paragraph 0027, i.e. "For example, a database administrator for the server 102 may desire to schedule replication for off-hours in order to minimize network load.").

As per claim 7, Dettinger et al. is directed to the access history management device according to claim 5, wherein said predetermined timing includes an arbitrary timing depending on said information resource management devices (Dettinger et al., Paragraph 0027).

As per claim 8, Dettinger et al. is directed to the access history management device according to claim 5, wherein

said collection unit further collects user information for identifying a user who has sent an access request for a plurality of said information resources as a part of said access history (Dettinger et al., Paragraph 0026, i.e. "user class (e.g., managers, architects, users with read only access etc.) and user class tolerance of latency" ),

said instruction sending unit further sends a change instruction to change storage devices to store said plurality of information resources having been accessed by a same user (Dettinger et al. Paragraph 0027, i.e. "replication" and Paragraph 0030-0031).

As per claim 9, Dettinger is directed to the access history management device according to claim 5, wherein said change instruction sent by said instruction sending unit further includes information for identifying an information resource management device controlling said storage device having stored said one or more information resources before the change (Dettinger et al., Paragraph 0033, i.e. "the server 102 notifies the client 120 of the replication and the replication schedule as 113, as indicated by step 234. " and "The client notification may be handled in any of a variety of methods. For example, in one embodiment the client 120 is notified by email. In another embodiment, the notification is provide to a user as an on-screen message upon attempting to access the primary database 104").).

Claim 12, 14, 16, and 18 are rejected on the same basis as claim 5.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dettinger et al. in view of Jones et al. (U.S. Patent Application Publication Number 2002/0169794).

Referring to claim 10, Dettinger et al. as applied to claim 9 above does not explicitly disclose that the network distance between the source (storage device before the change) and target (storage device after the change) is the shortest. However, Jones et al. teaches redundancy systems and methods in communication systems, wherein Open Shortest Path First Protocol (OSPF) is disclosed, which is used to provide shortest network paths (shortest network distance) (Jones et al., Paragraph 0010-0013).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the feature of using Open Shortest Path First Protocol (OSPF) as taught by Jones et al. with the device for database replication as taught

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Dettinger et al. so that, in the combined device, the storage device before the change would have the shortest network distance from the storage device after the change. One would have been motivated to do so simply to provide "redundancy to ensure that routing information can be provided upon demand" (Jones et al., Paragraph 0011).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

AU-2162



**JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**